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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,159	09/04/2001	Norbert Korenjak	P 283120 RP-00191-US8	9085

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EXAMINER

CHARLES, MARCUS

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 06/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,159

Applicant(s)

KORENJAK ET AL.

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2001 and 14 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) 33-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 7-11, 13-18 and 24-32 is/are rejected.
- 7) ☒ Claim(s) 2-6, 12 and 19-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 & 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first action on the merit regarding application serial number 09/944,159, filed 09-04-2001. Claims 1-54 are currently pending.

Election/Restrictions

1. Applicant's election of species 1 in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 33-54 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9.

Drawings

3. The draftsman has approved the drawing filed with this application as formal drawing.
4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the outer half comprises at least one ridge section" and "the at least one ridge section comprises three ribbed sections" as in claim 11-12, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:

(A) The following sub-title is missing for the first paragraph:

(i) Cross Reference to Related Applications.

The first paragraph, line 5 (cross reference to related applications) must be updated to include U.S Provisional Patent Application filed August 31, 2001, has a number "60/316,030".

(B) In page 25, line 20, "the outer plate number" should be --348-- not "346".

In page 25, lines 24, 26 and 27, the drive spring should be --342-- not "346".

In page 26, line 5, "the outer plate number" should be --348-- not "346".

In page 27, line 14, "gear" should be --pulley-- after "drive".

Appropriate correction is required.

Claim Objections

6. Claims 9 and 12 are objected to because of the following informalities: In claim 9, line 2, "on" should be --one-- after "least" and in claim 12, line 3, "ridges" should be --ridge--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1, 8-13, 17-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Johnson et al.(6,149,540, applicant's prior art). In claim 1, Johnson et al. discloses a drive pulley for a CVT comprising a shaft (12), an inner half (26) having an belt engaging surface (28) rotatable disposed on the shaft, an outer half with a belt engaging surface rotatable disposed on the shaft, a sleeve (32) disposed on the shaft, a spring (30) biasing the inner half and the outer half from one another, wherein the sleeve (32) freely rotates with respect to the shaft in a first direction when the belt is traveling in the first direction and is stationary on the shaft in a second direction opposite the first direction (col.6, lines 37-67).

In claims 7 and 24, note the antifriction bearing (fig. 2) journaling the Sleeve to the shaft (12).

In claims 8 and 25, note the pivotally mounted centrifugal weights (38) and the roller (31).

In claims 9 and 26, note the weights having indentation on the outer surface for engaging the roller (31).

In claim 10, Johnson et al. discloses a driven pulley comprising a comprising a shaft (14), an inner half (52) having a belt engaging surface rotatably disposed on the shaft (14), an outer half (56) with a belt engaging surface disposed on the shaft a spring biasing the inner and outer halves together with one another, a connector (66) disposed between and coupling the inner and outer halves.

In claims 11 and 27, note the connector (66) has a one ribbed connection (36) and non-ribbed section and the inner half has at least one ridge to engaged the ribbed of the connector (see fig. 4).

In claims 13 and 28, note the toothed wheel (16) fixedly connected to the shaft and a guide member (70) with a projection (74) connected to the toothed wheel.

In claims 17 and 29, note the ramps having slops (72) on the guide member (70).

In claim 18, Johnson et al. discloses the claimed invention above.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 14-16 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. Johnson et al. does not disclose the material of the guide member. It is well known in the art that synthetic, fiberglass and carbon fiber are lightweight materials. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the guide member of Johnson et al. such that it comprises one of a synthetic material, fiber glass and carbon fiber in order to reduce the weight of the guide member. It has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious designed choice. In re Ileshin 125 USPQ 416.

Allowable Subject Matter

11. Claims 2-6, 12, 19-23 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jaulmes (2,986,043) discloses a CVT comprising a sleeve (10) with grooves on the inner surface and the sleeve being rotatable on the shaft in a first direction rotatable with the shaft in a second direction. Plamper et al.(4,364,735), Talbot (3,777,583), Everett(2,33,002), JP(57- 18844) and JP(59-170553) disclose a CVT and a sleeve rotatable on the shaft between the inner and outer halves of the sheaves. Bostelmann (5,326,330), Aaen et al.(3,939,720) and Roby (6,406,390) disclose a CVT with the inner and outer sheaves of the drive pulley being adjusted by pivoted weights and a biasing spring.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


Marcus Charles
Primary Examiner
Art Unit 3682
June 11, 2003